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PROMOTION AND PROTECTION OF HUMAN RIGHTS

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 January 1999]

GE.99-11438 (E)

On the occasion of the 100th Inter-Parliamentary Conference held in September 1998 in Moscow, the Inter-Parliamentary Union - the world organization of national parliaments - adopted the following resolution with a view to the fiftieth anniversary of the Universal Declaration of Human Rights:

Strong Action by national Parliaments in the year of the fiftieth anniversary of the Universal Declaration of Human Rights to ensure the promotion and protection of all human rights in the twenty-first century

Resolution adopted* without a vote by the 100th Inter-Parliamentary Conference (Moscow, 11 September 1998)

The 100th Inter-Parliamentary Conference,

Acting in the spirit of the Universal Declaration of Human Rights adopted by the United Nations General Assembly on 10 December 1948, whose principles and standards are reaffirmed in the Vienna Declaration and Programme of Action of 1993,

Emphasizing once again that the Universal Declaration constitutes "a common standard of achievement for all peoples and all nations",

Considering that on the eve of a new century the international community must go beyond merely reviewing the provisions of that historic instrument or calling for the respect of the principles enshrined in that and successive texts, and chart the course of future action,

Acknowledging that human rights, democracy, sustainable development and peace are interrelated and interdependent,

Recognizing that human rights, owing to their importance, require effective protection under national legislation as well as international law, which is why many States have enshrined these rights and the main procedures for recourse in their constitutions,

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* Before the adoption of the resolution, the delegations of China and Sudan expressed reservations regarding the fourteenth preambular paragraph and operative paragraph 5 (i). In addition, the delegation of China expressed reservations on the eighteenth preambular paragraph and operative paragraph 12, and the delegation of the Republic of Korea on operative paragraph 5 (iv). The delegation of Armenia expressed reservations on operative paragraph 6. After the adoption of the text, the delegation of the Syrian Arab Republic made known its reservations on operative paragraphs 4 (ii), 5 (ii), 5 (iv) and 12.

Reiterating its belief that in accordance with the purposes and principles of the Charter of the United Nations, international action in the field of human rights must be based on awareness of the political, economic and social realities of each society, and that its principal objective must be to strengthen and promote respect for human rights and fundamental freedoms through international cooperation,

Affirming that the full participation of women in society and in democratic and transparent decision-making is fundamental to the achievement of their human rights and to stable and productive societies,

Aware that extreme poverty prevents the full exercise of human rights, and in some cases even threatens the right to life itself, and that the fight against poverty and the full enjoyment of economic, social and cultural rights are interdependent objectives,

Reaffirming the great importance of the right to development as an integral part of basic human rights for developing countries, and convinced that its achievement will contribute to the full enjoyment of human rights and fundamental freedoms,

Concerned that human rights are still subject to grave and repeated violations in many parts of the world and that millions of people are still deprived of their fundamental rights, which demonstrates the inadequacy of the efforts made to change the reality of human relations and to guarantee and protect human rights,

Deploring the political, legal, social, cultural, ideological and educational obstacles which in many societies stand in the way of education inspired by human rights and democracy,

Recognizing the need to take specific measures to protect the victims of armed conflict, refugees and displaced persons,

Concerned at the ever-deteriorating situation of several indigenous peoples whose cultural identity is being lost and whose languages are dying out as a result of the policy of resettlement and assimilation pursued by some States,

Recalling resolution 1998/8 adopted at the fifty-fourth session of the United Nations Commission on Human Rights on 3 April 1998 on the question of the death penalty,

Deploring the abetting of terrorism by any group of persons or by any Government in any part of the world under any pretext,

Reiterating that no state of emergency or war may be used to further political and military goals through war crimes and violations of human rights, notably discrimination against girls and women and violence and abuse against children,

Recalling that 1998 is the fiftieth anniversary of the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide, which

provides an opportunity for parliamentarians from all countries once again to draw the attention of the international community to the significance of the Convention,

Welcoming the adoption of the Statute of the International Criminal Court by the United Nations Diplomatic Conference, on 17 July 1998 in Rome, as an important commitment by the international community to the elimination of impunity and the establishment of justice,

Gravely concerned at the growing threats to the life and liberty of humanitarian personnel working on behalf of the victims of armed conflict, refugees and displaced persons,

Reaffirming that the protection of the rights of parliamentarians is imperative if they are to protect and promote human rights and fundamental freedoms in their respective countries, and that the representative nature of a parliament is closely bound up with respect for the rights of its members,

Stressing the importance of the results achieved by the Inter-Parliamentary Union over some 20 years, at the urging of the Committee on the Human Rights of Parliamentarians, in ensuring respect for the human rights of parliamentarians and for the representative and pluralistic nature of the parliamentary institution,

Recalling the many resolutions on human rights issues adopted in recent years by the Inter-Parliamentary Union, in which governments and parliaments were urged to take steps to protect and promote human rights in various parts of the world,

1. Calls on national parliaments and regional and international parliamentary assemblies to take appropriate measures to ensure:

(i) that international and regional human rights instruments are ratified and that those States which have not yet done so accede to these instruments;

(ii) that these rights are written into legally binding and judicially enforceable texts, such as national constitutions and international conventions;

(iii) that national law is reviewed and if necessary amended to conform with the norms and standards embodied in the Universal Declaration of Human Rights and other human rights instruments derived from it;

(iv) that any notified reservations to international human rights instruments are restricted in scope and that all existing reservations are regularly reviewed with a view to their possible lifting;

(v) that international and regional human rights mechanisms, including the International Tribunals, are given full support and unrestricted access to information;

(vi) that independent national human rights bodies with a mandate to monitor compliance with human rights standards and promote human rights are created wherever they do not already exist;

(vii) that the necessary support is given to parliamentarians and non-governmental organizations working actively to promote the principles of human rights and to defend such rights;

(viii) that full support is given to the work of the United Nations system, especially to the United Nations High Commissioner for Human Rights, and to international and regional organizations, including the provision of appropriate resources and assistance to human rights field operations;

2. Encourages all parliaments as the institutional guardians of human rights:

(i) to hold special sessions around 10 December 1998 to celebrate the Universal Declaration of Human Rights, identify existing shortcomings in the implementation of human rights and devise specific measures to promote the universal observance of human rights;

(ii) to set up national parliamentary committees on human rights to monitor the observance of human rights at the national and international level;

3. Expresses the hope that the IPU's governing bodies will consider holding a conference for the representatives of parliamentary human rights bodies in order to study means of strengthening parliamentary action for human rights;

4. Calls on parliaments to work actively to ensure:

(i) that national action plans are drawn up to protect and promote human rights by ensuring proper dissemination of knowledge concerning human rights and ways of promoting their realization among the general public, and encouraging the media to play a vital role by bringing human rights issues to the notice of national parliaments and governments;

(ii) that national governments fulfil their reporting responsibilities towards the human rights treaty bodies in a timely and effective way and that the competent government agencies cooperate fully with the United Nations Special Rapporteurs so that they receive the necessary support to carry out their work effectively;

(iii) that foreign, economic and security policy is consistently framed in a way which effectively promotes democracy, development and human rights in other countries;

5. Also calls on all parliaments and their members:

(i) to work actively for the worldwide abolition of the death penalty or at least the establishment of a moratorium on executions pending the complete abolition of the death penalty;

(ii) to work actively to end the practice of torture throughout the world and to bring influence to bear on their respective national governments to ensure that they cooperate fully with the United Nations Special Rapporteur on Torture;

(iii) to ensure that parliamentarians have the right to visit prisons and pre-trial detention centres and any other place where people are held against their will, at any time, in order to investigate the human rights situation there;

(iv) to work actively to ban the production, use and stockpiling of landmines and to ensure those who have installed landmines should be made to take responsibility for removing them;

(v) to urge governments to adhere to and take measures to implement international instruments based on the principle of protecting refugees and the victims of armed conflict;

(vi) to take measures to prevent the recruitment of children as soldiers and to ensure that children and young people are not sent to war zones or crisis areas;

(vii) to draft stricter legal standards to prevent physical and sexual violence against children, child pornography, child prostitution, the sale of children and harmful child labour, and to protect children from the effects of war;

(viii) to work actively to safeguard freedom of worship and to use their influence to promote freedom of thought, conscience, opinion and religion;

(ix) to bring influence to bear on their governments to ensure that development cooperation is made contingent on respect for human rights or that development cooperation strategies are shaped in such a way as to bring about an improvement in the human rights situation;

(x) to urge governments to continue to take effective measures to secure the enjoyment of economic, social and cultural rights and to alleviate the debt burden of developing countries;

(xi) to devise specific measures to promote non-discrimination with regard to national, ethnic and social minorities;

6. Further calls on governments to recognize that the rights to self-expression and development are fundamental and interdependent human rights, and urges them to demonstrate their commitment to the International Covenant on Economic, Social and Cultural Rights and the Declaration on the Right to Development by strengthening their efforts to bring to an end all cases of unlawful occupation which deny people their human right to self-expression and development;

7. Finally calls on States to refrain from adopting or applying unilateral measures contrary to international law and to the Charter of the United Nations, in particular coercive measures with extraterritorial effect;

8. Appeals to governments and parliaments to take appropriate measures to secure genuine equality for women, to ensure their effective and equal participation in public life, to give them equal access to education and to enable them to achieve full enjoyment of their political, economic and social rights in conformity with the Beijing Declaration and Platform for Action and the IPU Plan of Action;

9. In this connection, calls on governments and parliaments to:

(i) ensure the universal adoption and ratification of the Convention on the Elimination of all Forms of Discrimination Against Women, removing national reservations, and enacting and enforcing national laws;

(ii) adopt and monitor a national action plan, including implementation mechanisms, to improve the human rights of women and ensure that measures are activated at the parliamentary, governmental, regional and local levels;

(iii) work towards the eradication of gender-based persecution in situations of war and conflict, and the provision of justice, security from sexual assault and reparation for the victims;

(iv) enact and enforce laws on, and devote resources and programmes to, the prevention and elimination of all forms of violence against women and girls, including trafficking in women and girls, rape and genital mutilation;

10. Also calls on States and the international community to enhance the access of women to economic well-being by:

(i) providing women with equal access to economic resources, including the right to own property, to inheritance and to credit;

(ii) urging the IMF, the World Bank and the United Nations to fast-track their review of international finances;

(iii) ensuring equal access to education for women and girls;

(iv) ensuring access to clean water so as to reduce unproductive effort by women, support food production and improve health;

11. Recommends that governments and parliaments, in recognition of women's rights in all their aspects, dedicate 8 March of the year 2000 to peace, development and democracy based on the empowerment of women;

12. Urges all States which have not already done so to sign and ratify the Rome Statute of the International Criminal Court at the earliest possible opportunity, and recommends that the parliaments of those States work actively towards this end; further recommends that all parliaments exert all their influence to bring about the speedy establishment and effective functioning of the Court;

13. Calls on all States to protect the rights of those who defend human rights around the world, including parliamentarians, inter alia by supporting the adoption of the draft declaration on human rights defenders at the fifty-third session of the General Assembly;

14. Requests States to sign and ratify the Convention on the Safety of United Nations and Associated Personnel of 9 December 1997 and meanwhile to consider ways and means of strengthening the protection of United Nations and other personnel carrying out activities in support of a humanitarian operation;

15. Expresses its appreciation to those States that have ratified or acceded to the Convention on the Prevention and Punishment of the Crime of Genocide, and urges parliaments to work towards universal adherence to and implementation of the Convention;

16. Condemns any act by any person, State or group of persons or States and all acts, methods and practices of terrorism of any kind, including State terrorist behaviour, as activities aimed at the destruction of human rights, threatening the territorial integrity and security of States, destabilizing legitimately constituted governments, and targeting civilian populations and viable productive capabilities;

17. Encourages an ongoing dialogue between cultures, civilizations, religions and nations with a view to protecting and promoting human rights, and urges governments to seek the peaceful settlement of their disputes and differences through negotiations so as to create a peaceful environment for the full enjoyment of human rights by all humanity;

18. Affirms that the right to development and decent living standards is a universal and inalienable right and an integral part of fundamental human rights which should be promoted and fully realized through international cooperation and the creation of a favourable international economic environment without hegemony or the imposition of policies of coercion or starvation of States, and that the inclusion of the Declaration on the Right to Development in the International Bill of Human Rights would be an appropriate means of celebrating the fiftieth anniversary of the Universal Declaration of Human Rights;

19. Urges all the Members of the Inter-Parliamentary Union to take the necessary steps to ensure that the half-yearly reports of the Committee on the Human Rights of Parliamentarians and the corresponding resolutions of the Inter-Parliamentary Council are brought officially to the attention of national parliaments and are the subject of debate and, if need be, follow-up measures, and urges the Committee to disseminate an assessment of its action to restore respect for human rights and the principles of parliamentary democracy;

20. Also urges governments and parliaments to ensure full respect for parliamentary guarantees in order to safeguard the independence and autonomy of parliament, as well as the balance of power between the various arms of government, which is the foundation of any democratic system.